

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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Date of decision:05.09.2022

1. CRM-M-17893-2022(O&M)

Sahib Singh @ Saab Singh

....Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-17913-2022(O&M)

Sarabjit Kaur @ Shabbo and Another

....Petitioner(s)

Versus

State of Punjab

...Respondent

3. CRM-M-33873-2022(O&M)

Bittu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Gursimran Singh Bawa, Advocate
for the petitioner(s) in CRM-M-17893-2022 &
CRM-M-17913-2022.

Mr. Vishva Bahl, Advocate
for the petitioner in CRM-M-33873-2022.

Mr. Lovinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL. J. (ORAL)

1. This petition shall dispose of above-mentioned three petitions filed on behalf of petitioners namely Sahib Singh @ Saab Singh, Sarabjit Kaur @ Shabbo, Rajwinder Kaur and Bittu seeking grant of anticipatory bail to the

petitioner(s) in case bearing FIR No.221 dated 09.11.202, Police Station Chatiwind, District Amritsar Rural, under Sections 452, 323, 324, 148, 149 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.

2. At the time of issuance of notice of motion in CRM-M-17893-2022 & CRM-M-17913-2022, the following order was passed on 29.4.2022:-

“The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.221 dated 9.11.2021, Police Station Chatiwind, District Amritsar Rural, under Sections 452, 323, 324, 148, 149 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.

The allegations as levelled in the FIR by complainant Bikramjit Singh are to the effect that on 5.2.2021 when he was present in the house of his uncle Lakha Singh, then Gurwinder Singh @ Kaka armed with ‘datar’, Sahib Singh armed with ‘dang’ (long stick), Rajbir Kaur and Shabbo armed with sticks and Bittu armed with ‘dang’ came in the street and started hurling abuses to him. When he objected to the same, then Bittu raised a ‘lalkara’ exhorting his companions to teach the complainant a lesson for solemnizing love marriage with his daughter. When the complainant rushed to the house of his uncle, all the assailants followed him. It is alleged that Gurwinder Singh @ Kaka gave a blow with ‘datar’ to the complainant hitting him on his left elbow. Sahib Singh is stated to have inflicted a blow with ‘dang’ on the chest of complainant. Bittu is stated to have given ‘dang’ blows on left wrist of the complainant. Rajbir Kaur and Shabbo are alleged to have given blow with their sticks hitting the complainant on his left arm below shoulder. Bittu is also stated to have given another blow on the left wrist of the complainant.

Learned counsel for the petitioners has submitted that a false FIR has been lodged against the petitioners and the falsity would be evident from the fact that the FIR came to be lodged after about 1 year and 9 months of the occurrence on the basis of an application, which was submitted after 1½ years. It has further been submitted that, in any case, all the petitioners are alleged to be armed with sticks and that the grievous injury, in any case, is attributed to co-accused Gurwinder Singh @ Kaka, who was armed with a 'datar'.

Notice of motion for 5.9.2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of connected case.”

3. Even in the case of 'Bittu Vs. State of Punjab' in CRM-M-33873-2022, this Court vide order dated 03.08.2022 while issuing notice of motion had passed interim directions in the same terms as passed in CRM-M-17893-2022.
4. The learned State counsel upon instructions from SI Tarlok Singh has informed that pursuant to interim directions, the petitioner(s) have since joined investigation and they are not required for any custodial interrogation. It has however been informed that the weapon which was used in the commission of the offence has not been recovered. Learned State counsel has informed that the petitioner(s) are not involved in any other case.

5. I have considered the aforesaid submissions. Though the learned State counsel has submitted that the petitioner(s) have not got the weapon of offence recovered, but since the petitioner(s) have denied the case of prosecution, they cannot be forced to get any weapon recovered as recovery of weapon would be self-inculpatory on their part.
6. In any case since the petitioner(s) have joined investigation and enjoy a clean record, this Court does not feel that it is a case warranting custodial interrogation of the petitioner(s). Hence the petitions are accepted and the interim directions issued by this Court vide order dated 29.4.2022 in CRM-M-17893-2022 & CRM-M-17913-2022 and order dated 03.08.2022 passed in CRM-M-33873-2022 are hereby made absolute, subject to the condition that the petitioner(s) shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

05.09.2022

Amandeep

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>